

NOT FOR PUBLICATION

CASE CLOSED

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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AARON C. LONDON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 07-3437 (JAP)

**OPINION**

Before the Court is Petitioner, Aaron C. London's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255, which the Court denied on August 25, 2008. In response to the Third Circuit's October 2, 2008 Order remanding the matter to the District Court, the Court must now determine whether a certificate of appealability should issue. See 3d CIR. R. 22.2. The Court may issue a certificate of appealability only if the petitioner "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

In Slack v. McDaniel, 529 U.S. 473, 484 (2000), the United States Supreme Court held: "When the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Id.

This Court denies a certificate of appealability in this case because jurists of reason would

not find it debatable that dismissal of the Petition as untimely is correct. Accordingly, **IT IS**

**ON** this 20th day of October, 2008,

**ORDERED** that a certificate of appealability will not be issued.

**SO ORDERED.**

/s/ Joel A. Pisano

JOEL A. PISANO, U.S.D.J.

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